REMARKS

Claims 4 and 7-10 stand rejected under § 102 on the basis of Glaser, and claims 1-3, 5 and 6 stand rejected under § 103 on the basis of Glaser and Kitai. Applicants respectfully traverse these rejections because neither reference, alone or in combination, discloses or suggests synchronization by a sync control server that controls a client through a network, as in the present invention.

The examiner contends that Glaser discloses a system that transmits synchronized metadata with audio data, and that the audio control center in Glaser controls the synchronization of data. Applicants respectfully disagree.

The Examiner refers to the statement in Glazer at col. 23, lines 14-16 that "[u]nder another aspect of the present invention, limited "metadata" is transmitted in synchronism with the audio data" as evidence that the audio data and metadata are synchronized when transmitted by the system in Glazer. However, Applicants respectfully assert that Glazer is referring to the switch controller 1020 interleaving the audio data and metadata before both types of data are transmitted to the subscriber PC 110. Once the subscriber PC receives the interleaved data, the subscriber PC must still synchronize the interleaved data.

> Synchronization of the audio data and metadata is advantageously accomplished by time stamping the metadata to be activated at a corresponding time in the audio data transmission. Software running within the CPU 310 advantageously correlates [i.e., controls] the time stamped metadata with the audio data being played back without requiring ancillary coprocessors.

9

Glaser '634, col. 23, line 65 through col. 24, line 4 (emphasis added). The interleaving process merely places the audio data and metadata in proximate position with respect to each other before transmission, rather than transmitting the metadata entirely before or after the audio data. However, the CPU 310 in the subscriber PC 110 must still synchronize the time stamped metadata to the audio data so that the audio data and metadata correlate to each other when played on the subscriber PC.

Unlike Glazer, synchronization in the present invention is actually controlled by the sync control server connected to the network. To more clearly define the present invention, Applicants have amended claims 1, 4, and 6 to recite, *inter alia*, a client that is connected to a network and is configured for receiving a stream information and a storage-type information. Additionally, Applicants have amended claims 1, 4, and 6 to recite, *inter alia*, a sync control server that is connected to the network by way of a second network control unit and controls synchronization of the stream information and the storage-type information in the client through the network. Thus, the sync control server is not in the client, but rather a separate device connected to the network, so that control is accomplished through the network, unlike Glaser, where control of synchronization is established in the subscriber PC, or client as discussed above.

Furthermore, the present invention is patentably distinct over Glazer because none of the references, alone or combination, disclose or suggest distributing stream information and storage-type information in real time. Applicants have amended claims 1, 4, and 6 to recite, *inter alia*, a stream server that is connected to the network and

10

includes a stream information distribution apparatus for distributing the stream information in real time, by way of a first network control unit to the client through the network. As disclosed in FIG. 6, stream information and storage-type information are transmitted to the client from the stream server and storage-type server, respectively. Once the client begins to receive the stream information and the storage-type information, the sync control server then synchronizes the data and instructs the client to produce the data in real time. Moreover, the present invention streams the live data in real time without recording it to a storage unit first.

On the contrary, Glaser merely discloses an audio-on-demand system where both the live audio source 210 and the recorded audio source 215 are converted into digital data and digitally compressed and inputted to a disk storage unit 230 in the audio control center 120, as described at col. 5, line 50 to col. 6, line 5, and as disclosed in Fig. 2A. The disk storage unit 230, together with the archival storage unit 235, serves as audio libraries which can be accessed by the primary server 240, as described at col. 6, lines 24 to 26. Therefore, audio data, or stream data distributed from the server 240, is not live data but recorded data. In addition, as disclosed at col. 9, line 46 to col. 10, line 11, the stream data is sent from the server 240 to the subscriber PC 110 after the subscriber PC 110 has transmitted a request message to the server 240.

For the foregoing reasons, applicants believe that this case is in condition for allowance, which is respectfully requested. The examiner should call applicants' attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

Patrick G. Burns
Registration No. 29,367

October 19, 2004

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: 312.360.0080
Facsimile: 312.360.9315
P:\DOCS\1924\68881\644245.DOC

12